

#### § 402.4

(m) *Pleasure craft* means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers;

(n) *St. Lawrence Seaway* includes all facilities and services authorized under the St. Lawrence Seaway Authority Act, Chapter 242, Revised Statutes of Canada, 1952, as amended, and under Pub. L. 358, 83rd Congress, May 13, 1954, enacted by the Congress of the United States, as amended, and including the Welland Canal, which facilities are under the control and administration or immediate financial responsibility of either the Authority or the Corporation;

(o) *Seaway* means the St. Lawrence Seaway;

(p) *Tolls* means the total assessment levied against a vessel, its cargo and passengers for complete or partial transit of the Seaway covering a single trip in one direction;

(q) *Vessel* means every type of craft used as a means of transportation on water, except a vessel of or employed by the Authority or the Corporation.

[47 FR 13804, Apr. 1, 1982, as amended at 54 FR 39175, Sept. 25, 1989; 56 FR 22119, May 14, 1991; 57 FR 2471, Jan. 22, 1992; 57 FR 30905, July 13, 1992; 59 FR 2986, Jan. 20, 1994; 59 FR 45228, Sept. 1, 1994]

#### § 402.4 Tolls.

(a) The tolls shall be set forth in the schedule hereto.

(b) The tolls under this tariff are due from the representative of each vessel as soon as they are incurred and payment shall be made within thirty (30) days of the vessel's entry into the Seaway.

(c) The tolls for the section between Montreal and Lake Ontario shall be paid 75 percent in Canadian dollars and 25 percent in United States dollars. Payments for transit through locks in Canada only shall be in Canadian dollars, and payments for transit through locks in the United States only shall be in United States dollars.

(d) the tolls for transit of the Welland Canal shall be paid in Canadian dollars and shall accrue to the Authority.

[47 FR 13804, Apr. 1, 1982, as amended at 50 FR 21264, May 23, 1985; 54 FR 39175, Sept. 25, 1989]

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#### § 402.5 Security for payment.

A representative of each vessel shall provide the Authority or the Corporation with security, satisfactory to the Authority or the Corporation, for payment of tolls.

#### § 402.6 Description and weight of cargo.

(a) A cord of pulpwood shall be deemed to weigh 1,450 kilograms (3196.70 pounds).

(b)(1) 1,000 f.b.m. of sawn softwood lumber with less than 15% moisture content shall be deemed to weigh 770 kilograms (1697.56 pounds).

(2) 1,000 f.b.m. of sawn softwood lumber with 15% moisture content or over shall be deemed to weigh 950 kilograms (2094.39 pounds).

(3) 1,000 f.b.m. of sawn hardwood lumber with less than 15% moisture content shall be deemed to weigh 1,135 kilograms (2502.24 pounds).

(4) 1,000 f.b.m. of sawn hardwood lumber with 15 per cent moisture content or over shall be deemed to weigh 1,405 kilograms (3,097.49 pounds).

(c) The tonnage used in the assessment of tolls shall be calculated to the nearest 1,000 kilograms (2204.62 pounds).

[47 FR 13804, Apr. 1, 1982, as amended at 54 FR 39175, Sept. 25, 1989]

#### § 402.7 Post-clearance date operational surcharges.

(a) If the Authority and the Corporation so determine, they may establish a clearance date for the transit of the Montreal-Lake Ontario section. Each vessel which does not comply with the conditions announced by the Authority and the Corporation in establishing the clearance date may be required to pay in dollars an amount not exceeding the operational surcharge set forth below:

(1) Vessels reporting during the 24 hour period immediately following the clearance date: 20,000.00

(2) Vessels reporting more than 24 hours late, but less than 48 hours after the clearance date: 40,000.00

(3) Vessels reporting more than 48 hours late, but less than 72 hours after the clearance date: 60,000.00

(4) Vessels reporting more than 72 hours late, but less than 96 hours after the clearance date: 80,000.00

(b) The operational surcharge assessed vessels already at a port, dock or wharf within the St. Lambert-Iroquois Lock segment of the Montreal-Lake Ontario section at the clearance date shall be \$20,000 less than the amount otherwise applicable.

(c) Each vessel which reports more than 96 hours after the clearance date may transit only if a prior written agreement authorizing such transit has been entered into among the owner or agent of the vessel and the Authority and the Corporation. Such agreement may provide for additional operational surcharges.

(d) Assessed operational surcharges will be prorated on a per lock basis. Surcharges representing transit through United States locks will be for the account of the Corporation and payable in United States funds and surcharges representing transit through Canadian locks will be for the account of the Authority and will be payable in Canadian funds.

[47 FR 13804, Apr. 1, 1982, as amended at 49 FR 46893, Nov. 29, 1984]

#### § 402.8 Schedule of tolls.

	Tolls	
	Montreal to or from Lake Ontario (MLO) effective 1994	Lake Ontario to or from Lake Erie (Welland Canal) effective 1994
(a) For transit of the Seaway, a composite toll, comprising:		
(1) A charge in dollars per gross registered ton, according to national registry of the vessel, applicable whether the vessel is wholly or partially laden, or is in ballast. (All vessels shall have an option to calculate gross registered tonnage according to prescribed rules for measurement in either Canada or the United States.)	0.11	0.13
(2) a charge in dollars per metric tons of cargo as certified on ship's manifest or other document, as follows:		
Bulk Cargo .....	1.10	0.55
Food Grains .....	0.68	0.55
Feed Grains .....	0.68	0.55
Coal .....	0.65	0.55
General Cargo .....	2.66	0.88
Steel Slab .....	2.41	0.63
Containerized Cargo .....	1.10	0.55
Government Aid .....	0.00	0.00
(3) a charge in dollars per passenger per lock .....	1.18	1.18
(4) a charge in dollars per lock for complete or partial transit of the Welland Canal in either direction by cargo vessels, which may be shared by cargo vessels in tandem:		
(i) Loaded per: lock .....	N/A	440.00
(ii) In ballast: per lock .....	N/A	325.00
(b) For partial transit of the Seaway:		
(1) between Montreal and Lake Ontario, in either direction, 15 percent per lock, of the applicable toll.		
(2) between Lake Ontario and Lake Erie, in either direction, (Welland Canal), 13 percent per lock of the applicable toll.		
(c) Minimum charge in dollars per vessel per lock transited for full or partial transit of the Seaway:		
Pleasure craft <sup>1</sup> .....	10.00	10.00
Other vessels .....	15.00	15.00

<sup>1</sup> Includes Federal Taxes where applicable.

[59 FR 45229, Sept. 1, 1994]

#### § 402.9 Incentive tolls.

(a) Notwithstanding anything contained in this Tariff, the portion of the composite toll related to charges per metric ton of cargo charged on new business shall be reduced by fifty percent for a Seaway transit beginning

and ending during the 1995 navigation year.

(b) The discount mentioned in paragraph (a) of this section shall be granted for the remainder of the navigation season if:

(1) A vessel carries, for each transit, 1,000 metric tons or more of new business or a minimum of 1,000 cubic meters of new business project cargo; and